

REMARKS

In response to the Office Action dated September 7, 2007, Applicant respectfully requests reconsideration and withdrawal of the rejections and objections to the claims.

Claim Objections

The claims were objected to as not separating the preamble from the body of the claim by means of a transitional phrase such as "comprising". Applicant respectfully submits that the term "wherein" (see, e.g., claim 1, line 3) functions as such transitional phrase. Withdrawal of this objection is respectfully requested.

The Office Action also contains objections to certain terms appearing in various claims. These items have been addressed in the foregoing amendments to the claims.

Claim Rejections - 35 USC § 112

Claims 15 and 16 were rejected under the second paragraph of 25 USC § 112 as being indefinite, for the use of the term "simple payment". In the context of the present application, a "simple payment" is one which is initiated by the payer. This is to be contrasted with a "requested" payment, in which the payee first makes a request for payment from the payer, and the payer responds by sending the payment. See, for example, the specification at pages 4 and 8. Claims 15 and 16 have been amended to clarify the meaning of the term.

Various claims were rejected for their use of the article "the". The foregoing amendments to the claims obviate the bases for the rejection.

Claim Rejections - 35 USC § 102

Claims 1-3 were rejected under 35 U.S.C. § 102 on the basis of the Gallagher et al reference (US 2004/0111367). The Gallagher reference addresses the possibility to carry out financial transactions from person to person, by using an online account for each user, in which the proceeds are then exchanged between that account and other more classical accounts such as checking account or the like.

In the Gallagher reference, the transactions occur in a data network, such as the Internet, using client devices such as personal computers or PDAs that are connected to the Internet, and bank servers that are also connected to the Internet. In contrast, the claimed invention provides financial transactions over a wireless telephony network, e.g. a cellular telephone network. See, for example, the description of the background of the invention on page 1 of the specification, such as the references to networks based upon the GSM and CDMA standards.

This difference in the infrastructure of the transaction system leads to important differences in the steps that are linked to the execution of a given transaction, such as: the process of registration of a user, the process of sending money, and the process of receiving money for another party. As a consequence, the transactions are fairly complex in the context of the Gallagher reference, and require the user to provide email addresses (as opposed to a phone number that is already inherent to the telephony network), and to fill in lengthy forms on web pages, such as the ones shown in Figures 3, 5 and 7.

The transactions of the Gallagher reference are not carried out through the existing infrastructure of a wireless telephony network. Although paragraph [0024] of the Gallagher reference indicates that client devices could be cellular telephones or

PDAs, it requires that they be "capable of interfacing directly or indirectly with the Internet". In other words, it is clear that these devices are being used in their capacity to connect to a data network. Conversely, in the invention, the client devices are mobile phones or PDAs or other mobile telephonic communication devices, which connect to the wireless telephone network and are identified by the telecom operator who runs the service. There is no need for the client devices to connect to the Internet or to other data networks such as those cited at the end of paragraph [0024] (where no telecommunication network protocol is mentioned).

Accordingly, it is respectfully submitted that the Gallagher reference does not anticipate the claims, for at least the reason that it does not disclose a method for executing transactions in a system that enables financial transactions *through a wireless communication telephony network*, wherein a payment is sent from a payer's mobile telephony communication device *via the network* to a transaction processing platform *connected to the wireless telephony network*, or where a request for approval is sent from the transaction processing platform *via the network* to a mobile telephony communication device of the payee, as recited in claim 1.

Withdrawal of the rejection is therefore respectfully requested.

Claims 5-8, 11,13-19, 26 and 28 were rejected under 35 USC § 102 on the basis of the Liu et al reference (US 2003/0101134). It is respectfully submitted that the Liu reference likewise does not anticipate the subject matter of the currently pending claims, since it also fails to disclose a system in which financial transactions are conducted via a wireless telephony network. Withdrawal of the rejection based upon this reference is requested.

Claim Rejections - 35 USC § 103

All other pending claims were rejected under 35 USC § 103, on the basis of either the Gallagher reference or the Liu reference, in view of secondary references. It is respectfully submitted that the secondary references do not overcome the fundamental differences between the claimed subject matter and either of the Gallagher or Liu references. Accordingly, withdrawal of the rejections under 35 USC § 103 are respectfully requested.

In view of the foregoing, it is respectfully submitted that all pending claims are patentably distinct from the applied references. Reconsideration and withdrawal of the rejections, and allowance of all claims are respectfully requested.

Respectfully submitted,

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